

Appl. No. 09/603,354  
Amdt. dated October 27, 2004  
Reply to Office Action of May 28, 2004

PATENT  
Attorney Docket No. 85773-203

### **I. REMARKS / ARGUMENTS**

The present application still contains claims 1-53. No amendment to the claims has been made.

#### **A. General**

On October 12, 2004, the Applicant conducted an Examiner Interview with Supervisory Examiner Chi Pham, who advised that the present application was no longer under the responsibility of Examiner Daniel K. Lam. During the course of the Interview, the Applicant presented and explained to Supervisory Examiner Pham the arguments set forth in the previous Response to Official Action filed on March 31, 2004. Supervisory Examiner Pham indicated that, based upon a superficial review of the present application, the Applicant's arguments appeared to have merit and the claims currently on file appeared to be in allowable form.

Supervisory Examiner Pham requested that the Applicant nevertheless file a response to the Final Office Action mailed May 28, 2004, since the present application is to be re-assigned to a new Primary Examiner. Supervisory Examiner Pham explained that, for his part, he would prepare a memo regarding his opinion of the condition of the present application and summarising the outcome of the Examiner Interview as stated above, for consideration by the new Primary Examiner. Supervisory Examiner Pham also confirmed that, should the new Primary Examiner decide that further prosecution of the present application is warranted, we would be contacted directly by telephone prior to the issuance of any additional Office Action.

Accordingly, for the benefit of the new Primary Examiner, the Applicant has prepared the below Response to the Final Office Action, which basically reiterates the arguments presented by the Applicant in the previous Response filed on March 31, 2004.

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### **C. Rejections under 35 U.S.C. §103**

In the Office Action, the Examiner has reiterated his rejection of claims 2, 20 and 38 under 35 U.S.C. §103(a) as being obvious over Newman et al. in view of U.S. Patent No. 5,459,719 (hereinafter referred to as Hayashi).

The Examiner has also reiterated his rejection of claims 3-10, 21-25 and 39-44 under 35 U.S.C. §103(a) as being obvious over Newman et al. in view of Hayashi and further in view of U.S. Patent No. 5,683,359 (hereinafter referred to as Peltola et al.).

Furthermore, the Examiner has reiterated his rejection of claims 11-13, 26-28 and 45-47 under 35 U.S.C. §103(a) as being obvious over Newman et al. in view of Hayashi and Peltola et al. and further in view of U.S. Patent No. 6,404,753 (hereinafter referred to as Chlen et al.).

Finally, the Examiner has reiterated his rejection of claims 17, 34, 35 and 51 under 35 U.S.C. §103(a) as being obvious over Newman et al. in view of U.S. Patent No. 6,349,092 (hereinafter referred to as Bisson et al.).

In light of the foregoing discussion with regard to independent claims 1, 19, 32 and 37, the Applicant respectfully submits that dependent claims 2-13, 17, 21-28, 34, 35, 38-47 and 51, distinguish clearly and patentably over the cited prior art references, taken alone or in combination.

More specifically, nothing in the references applied by the Examiner, taken individually or collectively, would suggest or motivate one skilled in the art to detect the traffic patterns of traffic units received from first and second source points, nor of regulating these traffic patterns such that a possibility of collision between the traffic units sent from the first source point and the traffic units sent from the second source point is reduced.

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Accordingly, dependent claims 2-13, 17, 21-28, 34, 35, 38-47 and 51 are believed to be in condition for allowance and the Examiner is respectfully requested to withdraw all of the rejections under 35 U.S.C. §103(a).

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## II. CONCLUSION

In view of the foregoing, the Applicant is of the view that claims 1-53 are in allowable form. Favorable reconsideration is requested. Early allowance of the Application is earnestly solicited.

If the application is not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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